

REMARKS

This is a response to the Office Action dated February 25, 2005. All of the previously pending claims (1-19) have been cancelled by this amendment and new claims 20 to 24 have been added.

In the Office Action, the Examiner rejected claims 1, 5-7, 9, 11-13, and 18 under 35 U.S.C. 103(a) as being unpatentable over Wright et al in view of McDaniel; rejected claims 1, 6, 9-13 and 18 under 35 U.S.C. 103(a) as being unpatentable over Lundbeck in view of McDaniel; rejected claims 2-4 under 35 U.S.C. 103(a) as being unpatentable over Wright et al. in view of McDaniel and further in view of Pierotti; and rejected claim 2-4 under 35 U.S.C. 103(a) as being unpatentable over Lundbeck in view of McDaniel and further in view of Perotti.

In the rejection of claims 1, 5-7, 9, 11-13, 16, and 18 under 35 U.S.C. 103(a) as being unpatentable over Wright et al. in view of McDaniel and the rejection of claims 1, 6, 9-13 and 18 under 35 U.S.C. 103(a) as being unpatentable over Lundbeck in view of McDaniel , the Examiner states that McDaniel "discloses the collar 10 is buoyant material."

However, it is respectfully submitted that McDaniel does not disclose a collar, much less a buoyant collar. McDaniel does disclose a buoyant strap for providing buoyancy to eyeglasses (col. 2, line 17; Fig. 2). McDaniel even goes on to emphasize that the strap thereof is effective for use with "light-weight" eyeglasses, apparently teaching away from its use with anything heavier. Thus, it seems to be clear from the disclosure of McDonald that the strap thereof is only sufficiently buoyant to provide flotation for glasses alone.

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However, the claims of the subject patent application, as amended, recite “wherein at least one of the strap, the leash, and the collar is sufficiently buoyant so as to float the strap, the leash, the collar, and the glasses.” Thus, it is clear from this claim limitation that the buoyancy of the claimed invention can come from sources other than the strap. More importantly, whatever the source of the buoyancy, according to the present invention it must be sufficient to float the entire assembly, i.e., the strap, the leash, the collar, and the glasses. By way of contrast, the buoyancy of the McDonald device results solely from the strap and there is no teaching of it being sufficient to float such an assembly.

Moreover, none of the cited references, taken either alone or in combination with one another, either disclose or make obvious “wherein at least one of the strap, the leash, and the collar is sufficiently buoyant so as to float the strap, the leash, the collar, and the glasses.” as recited in new independent claim 20.

CONCLUSION

As such, it is respectfully submitted that new claims 20 through 24 are in condition for immediate allowance. Reconsideration and an early allowance are therefore respectfully requested.

If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

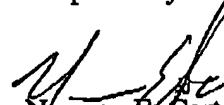
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Monique M. Butler

May 11, 2005
Date of Signature

Respectfully submitted,


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